



ZEICHNER ELLMAN & KRAUSE LLP

1211 AVENUE OF THE AMERICAS

NEW YORK, NEW YORK 10036

TEL: (212) 223-0400

MICHAEL S. DAVIS

(212) 826-5311

mdavis@zeklaw.com

WWW.ZEKLAW.COM

July 16, 2020

**BY ECF**

Honorable Alison J. Nathan  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, New York 10007

SO ORDERED. 7/21/20

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

Alison J. Nathan, U.S.D.J.

**Independent Service Provider, LLC v.  
National Union Fire Insurance Co. of Pittsburg, Pa. et al., 1:20-cv-04713-AJN**

Dear Judge Nathan:

This firm represents the defendants in the caption matter, which was transferred to the Southern District of New York and assigned to Your Honor on June 25, 2020. With the consent of both parties I write to request a stay of this action pending agreed upon mediation, and if need be, agreed upon arbitration.

SO ORDERED.

This matter was transferred to Your Honor because, as defendants allege, the dispute between the parties is subject to binding arbitration, and under the arbitration agreement, any dispute arising from a failure to arbitrate is to be decided in "a court of competent jurisdiction in the City, County and State of New York." While defendants contemplated a motion to compel arbitration, the parties have now agreed to attempt mediation, and if mediation is not successful, the parties agree the matter shall be arbitrated in accordance with their agreement. On that basis, the only presently contemplated basis to invoke this Court's jurisdiction is either to consider enforcement of any applicable subpoena, if need be, and/or to hear a motion to confirm or vacate an award. Accordingly, the parties jointly request that Your Honor stay this action unless and until jurisdiction is invoked for such purposes.

If it meets with Your Honor's approval, we would be pleased to submit an Order for Your Honor's consideration. Please let us know how Your Honor would like to proceed. Thank you.

Respectfully,

/s/ Michael S. Davis

MSD:jxt

cc: Mark S. Scoggins, Esq. (by email: mscoggins@crowderscoggins.com)